IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WA.No. 2218 of 2007

AGAINST THE JUDGEMENT IN WPC.29880/2006 Dated 14/08/2007

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APPELLANT: PETITIONER

R.NAGENDRA RAO, TC 17/2123,
DR.PAI ROAD, POOJAPPURA, THIRUVANANTHAPURAM.

BY ADV. SRI.DINESH R.SHENOY

RESPONDENTS: RESPONDENTS

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1. THE KERALA FINANCIAL CORPORATION,
   REP.BY ITS MANAGING DIRECTOR, VELLAYAMBALAM,
   THIRUVANANTHAPURAM.

2. THE CHIEF MANAGER,
   KERALA FINANCIAL CORPORATION,
   VELLAYAMBALAM, THIRUVANANTHAPURAM.

BY SRI.L.MOHANAN-STANDING COUNSEL FOR KFC.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.No.2218 of 2007

Dated this the11th day of September, 2007.

J U D G M E N T

Sankaran, J.

The appellant is the petitioner in W.P.(C).No.29880 of 2006. The prayer in the writ petition is to quash Ext.P12 dated 19-10-2006 issued by the second respondent. By Ext.P12, the one-time-settlement benefit granted in favour of the petitioner was withdrawn. It was also mentioned in Ext.P12 that revenue recovery steps would be initiated for realising the loan amount.

2. A loan was taken by the daughter of the petitioner for starting a computer unit. Instalment fell in arrears. There were proposals for one-time-settlement. The petitioner suggested various amounts. Ultimately, in 2006, the Kerala Financial Corporation agreed to accept the one-time-settlement. There was failure on the part of the petitioner to pay the amount directed to be paid by him, within the stipulated time.

3. The learned Single Judge took note of the facts and circumstances of the case and directed the petitioner to pay a sum of Rs.50,890/- before the end of August, 2007, for availing one-time-settlement facility. On such payment, it was held that the petitioner would be entitled to the benefit of one-time-settlement.

4. The contention of the petitioner is that he is a pensioner and he is suffering from various diseases. His wife is also sick. His daughter is married away and the computer unit was closed down. The learned counsel for the appellant submitted that the appellant is prepared to pay the amount as directed to be paid by the learned

Single Judge and his only request is to grant a breathing time to pay the amount of Rs.50,890/-. The counsel also submits that a memo of undertaking to this effect will be filed by the appellant within a period of one week from today before this Court. Taking into account the facts and circumstances of the case and the submissions made by the learned counsel on either side, we are inclined to grant four months' time from today to the appellant, to pay the sum of Rs.50,890/- as directed to be paid by the learned Single Judge in the judgment impugned. In case the appellant pays the amount as directed by this court within 4 months' time from today, that will not carry any interest whatsoever. With this modification the writ appeal is disposed of.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

MS